

## MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION**  
**June 2, 2004**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., June 2, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3, Fulton Brock, District 1, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Absent: Don Stapley, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney.

### **INVOCATION**

Anne Taylor, Arizona Interfaith Movement, delivered the invocation.

### **PLEDGE OF ALLEGIANCE**

Robin Salthouse, Sun Lakes Branch Library, led the assemblage in the Pledge of Allegiance.

### **PET OF THE MONTH**

Nancy Harris, Controller at Maricopa County Animal Care & Control, brought this month's pet to the meeting, a Maine coon cat she'd named Storm, who was reportedly a large, long-haired, mellow feline that she hoped would appeal to a prospective pet owner. Ms. Harris said the shelter has hundreds of cats and kittens and dogs to choose from for anyone looking for a new pet.

### **2004 MARICOPA COUNTY SAFETY EQUIPMENT "ROADEO" WINNERS AWARDS**

Bill Warren, Risk Management, and Chairman Kunasek presented the 2004 Maricopa County Safety Equipment ROADEO Winners' awards to the following recipients. Chairman Kunasek congratulated all winners and Risk Management for another successful and fun way to demonstrate and emphasize the importance of safety to residents when it comes to operating heavy equipment safely. (ADM650)

#### **2004 Maricopa County Safety Equipment Rodeo Winners**

##### **Backhoe CERTIFIED WINNERS**

- 1<sup>st</sup> (MCDOT-Heavy Repair) Ron Niblett (338 pts.)
- 2<sup>nd</sup> (MCDOT-Heavy Repair) Timothy Patarozzi (331 pts.)
- 3<sup>rd</sup> (Flood Control District) Gregg Watts (331 pts.)

##### **Big Dig Backhoe Team CERTIFIED WINNERS**

- 1<sup>st</sup> (MCDOT-Heavy Repair) Andy Santiago, Gabriel Hernandez, Vince Buckner (450 pts.)
- 2<sup>nd</sup> (Flood Control District) Isaac McCullough, Mike Winkler & Bobby Naud (425 pts.)
- 3<sup>rd</sup> (MCDOT) Roderick Miller, Ron Niblett, Karl Freiemunth (418 pts.)

##### **Dump Truck CERTIFIED WINNERS**

- 1<sup>st</sup> (MCDOT-Heavy Repair) Ernest Rios (404 pts.)
- 2<sup>nd</sup> (MCDOT-Heavy Repair) Sherman Gaines (381 pts.)
- 3<sup>rd</sup> (MCDOT-Heavy Repair) Ralph Peterson (304 pts.)

##### **Forklift CERTIFIED WINNERS**

- 1<sup>st</sup> (MCDOT-Heavy Repair) Jose Morales (614 pts.)
- 2<sup>nd</sup> (MCDOT Warehouse) Manny Bustamante (608 pts.)

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3<sup>rd</sup> (Equipment Services) Bob Ronk (607 pts.)

**Grader CERTIFIED WINNERS**

1<sup>st</sup> (MCDOT-Maintenance) Daniel Clements (263 pts.)  
2<sup>nd</sup> (MCDOT-Heavy Repair) Roderick Miller (226 pts.)  
3<sup>rd</sup> (MCDOT-Heavy Repair) Juan Velasco (224 pts.)

**Loader CERTIFIED WINNERS**

1<sup>st</sup> (MCDOT-Heavy Repair) Ron Niblett (510 pts.)  
2<sup>nd</sup> (MCDOT-Heavy Repair) Sherman Gaines (505 pts.)  
3<sup>rd</sup> (City of Phoenix) Ruben Aguayo (485 pts.)

**Pick-up Truck CERTIFIED WINNERS**

1<sup>st</sup> (MCDOT-Heavy Repair) Edward Cortez (150 pts.)  
2<sup>nd</sup> (Flood Control) Mark Long (130 pts.)  
3<sup>rd</sup> (MCDOT-Heavy Repair) Ken Bucy (105 pts.)

**Safety Challenge Team CERTIFIED WINNERS**

1<sup>st</sup> (MCDOT-Admin./Maintenance) Linda Watts & Joe Anzar (422 pts.)  
2<sup>nd</sup> (MCDOT-Heavy Repair) Robert Sikorski & Jeff Ernwall (408 pts.)  
3<sup>rd</sup> (MCDOT-Heavy Repair) Gabriel Hernandez & Ron Juarez (372 pts.)

**Skid Steer CERTIFIED WINNERS**

1<sup>st</sup> (MCDOT-Heavy Repair) Jose Morales (260 pts.)  
2<sup>nd</sup> (MCDOT-Maintenance) Stacy Perry (245 pts.)  
3<sup>rd</sup> (MCDOT-Maintenance) Toby Bryant (230 pts.)

**Traffic Control Team CERTIFIED WINNERS**

1<sup>st</sup> (MCDOT-Heavy Repair) Bill Fugate & Tim Patarozzi (312 pts.)  
2<sup>nd</sup> (MCDOT-Maintenance) Mark Clark, Tony DelSol & Jerry Wright (292 pts.)  
3<sup>rd</sup> (MCDOT-Heavy Repair) Anthony Celestino, Jeff Ernwall & Robert Sikorski (275 pts.)

**PUBLIC HEARING – FIREWORKS DISPLAY**

Chairman Kunasek called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, pursuant to A.R.S. §36-1603, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an application filed by John Teixeira for a fireworks display permit: (ADM665)

Organization:	Tonopah Valley Community Council
Address:	2614 South Wintersburg Road, Tonopah
Date:	July 4, 2004

**SUPERVISOR'S PREROGATIVE**

As agenda changes were read by the Clerk, Supervisor Wilcox asked the Board to reflect on agenda item #36 at this time (as follows) even though it had to be continued to a meeting when a complete Board was present for the vote. She said that Mark Holleran, CEO of Central Arizona Shelter Services, and Terry Boyer, "who is new to this project, and would be running the 'hub' of our Homeless Campus at the Daily Resource Center" are present and she asked to introduce them even though this item has been

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continued to a future meeting. Mr. Holleran came forward and said they are looking forward to the start of construction on the Campus and hope it will be soon. He explained that the pilot program for the Daily Resource Center is already operating and is currently serving some chronically homeless individuals who live in the downtown core area. He said, "When the Campus is open this Center will be open to any individuals in Maricopa County in general who will be able to access any number of needed services." He thanked the Board for their interest and help.

**RESOLUTION – ISSUANCE OF CERTIFICATES OF PARTICIPATION – CONTINUED (see above)**

Item: Adopt a resolution which, among other things, would authorize the issuance of not-to-exceed \$15,000,000 aggregate principal amount of Certificates of Participation, Series 2004, to finance acquisition, construction and improvements for the Human Services Campus; and authorize the execution and delivery of related documents and delegate to the Chief Financial Officer authority to take certain actions in connection with the certificates. Maricopa County may be liable for the annual debt service payment of up to \$2.2 million beginning in FY 2006-2007 if donations do not materialize. (This agenda item #36 requires a unanimous roll call vote of the board). (C18040438) (F23148)

This item was continued indefinitely.

**SPONSORSHIP FEE FOR ARIZONA-MEXICO COMMISSION**

The Clerk announced the following corrections to this agenda item. (New language shown by underlining, deleted language shown as strike-through.)

Item: Approve an expenditure from General Government Non-Profit Economic Development Funding ~~General Government Dues & Memberships~~ in the amount of \$5,000 for a sponsorship fee for the Arizona-Mexico Commission's June 17-19, 2004, Summer Plenary Session. Also, per ARS §42-17106, authorize transfer expenditure authority from FY 2003-2004 General Government General Fund-Contingency (100-470-4711) in the amount of \$5,000 to General Government Non-Profit Economic Development Funding ~~Dues & Memberships~~-Arizona-Mexico Commission (~~100-470-4701~~) (100-470-4774) for this purpose. The countywide net impact of this transaction is zero. (C06040528) (ADM686)

Chairman Kunasek introduced Marco Lopez, Director of the Arizona-Mexico Commission and former Mayor of Nogales. Director Lopez said that the Arizona-Mexico Commission was established in 1959 by then-Governor Paul Fannin to promote a strong, cooperative relationship with Mexico and facilitate the movement of goods and information through Arizona into Mexico and Latin America. He reported that the upcoming Plenary Session would be held at Phoenix South Mountain Resort and the keynote speaker on June 19 will be the new Ambassador from Mexico to the United States, who will speak on the significance that Arizona has in the bi-national relationship with Mexico. It is expected that this year's session will contain especially important information and discussion of key issues including illegal immigrants, border security, health and health care concerns between Arizona and Sonora and untapped economic development opportunities. He asked the Supervisors to attend the conference as often as possible and gave them a copy of the schedule.

Supervisor Wilcox said that Mr. Lopez, as Mayor of Nogales, was the youngest mayor ever elected in the U.S. and was appointed to his current position by Governor Napolitano. She also introduced her husband, Earl Wilcox, who works on special projects for the Governor's Office and is assisting in the Plenary conference.

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve this sponsorship fee for the Arizona-Mexico Commission's June 17-19, 2004, Summer Plenary Session.

**TRANSFER OF EXPENDITURE AUTHORITY AND EXPENDITURE APPROPRIATION ADJUSTMENT REGARDING CLERK OF THE SUPERIOR COURT: DEPENDENCY GROWTH START-UP EQUIPMENT**

Per ARS §42-17106, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried to approve the transfer of expenditure authority from FY 2003-2004 contingency funds in the amount of \$28,640 (annualized impact is \$343,677) from General Government (470) General Fund (100) Reserve for Contingency for "Unfunded Liabilities" to the Clerk of the Superior Court (160) General Fund (100). This action will require an expenditure appropriation adjustment increasing the Clerk of Superior Court's General Fund (100) budget by \$28,640 and reducing the General Government General Fund (100) General Contingency budget by the same amount. Also per ARS §42-17106, approve the transfer and expenditures of \$37,650 from Appropriated Fund Balance (480) General Fund (100) General Contingency to a new line in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "Clerk of the Superior Court: Dependency Growth Start-up Equipment". Approval of the above actions will allow the Clerk of the Superior Court to address increased filings in juvenile dependency. (C16040058) (ADM1000-003)

**TRANSFER OF EXPENDITURE AUTHORITY AND SET CONSTABLES' SALARIES FOR PRECINCTS TO BE ELECTED COMMENCING JANUARY 1, 2005**

Per ARS §42-17106, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the transfer of expenditure authority from FY 2004-2005 contingency funds in the amount of \$25,094 from General Government (470) General Fund (100) General Contingency (4711) to the Constables' Office (250) General Fund (100). This action will require an appropriation adjustment increasing the Constables' FY 2004-2005 expenditure budget by \$25,094 and reducing General Government General Fund Reserved Contingency by the same amount for a net countywide impact of zero. Also, approve setting the Constables' salaries for Precincts to be elected to a four-year term commencing on January 1, 2005, from \$48,294 to \$55,654. These six Constable Precincts: Maryvale, Northwest Phoenix, Northeast Phoenix, North Mesa, South Mesa/Gilbert and East Phoenix No. 2, are up for election in November 2004, and have more than 16,000 registered voters. The remaining 17 Constable Precincts do not meet the criteria for salary adjustments in FY 2004-2005. The half-year expenditure impact of \$25,094 for FY 2004-2005 would be annualized at \$50,188 in FY 2005-2006. (C25040058) (ADM1300)

Constable Hazlett, North Valley Precinct, and Constable Myer, Peoria Precinct, were present but were not called on to answer any questions.

**SETTLEMENT AGREEMENT IN THE MATTER OF THE MARICOPA COUNTY TREASURER vs. DEPARTMENT OF REVENUE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a settlement agreement in the matter of the Maricopa County Treasurer v. Department of Revenue, Cause No. CV 2002-022559. (Discussed in executive session on May 17, 2004). (C19040360) (ADM409)

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**PUBLIC NOTICE OF OPPORTUNITY TO FILE PRO OR CON ARGUMENTS FOR PROPOSED  
NOVEMBER 2, 2004, BALLOT QUESTION RELATING TO AN EXTENSION AND LEVY OF THE  
COUNTY TRANSPORTATION EXCISE TAX**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve giving public notice of the opportunity to file pro or con arguments for a proposed November 2, 2004, ballot question relating to an extension and levy of the county transportation excise tax. Maricopa County hereby gives notice that persons wishing to file arguments advocating or opposing continuation of a county transaction privilege tax for regional transportation purposes, per legislative authorization in the 46th Legislature, Second Session (ARS §42-6105 and applicable 2004 Session Laws), must do so by 5:00 p.m. on Friday, July 9, 2004, by filing arguments not more than three hundred words in length and paying the required publication fee of \$25 per argument with the Maricopa County Recorder/Elections Department at any of the following offices. Information on the format for arguments is available from the County Elections Director. (C21040167) (F23140)

- 111 South Third Avenue, Phoenix, Arizona, 85003
- 510 South 3<sup>rd</sup> Avenue, Phoenix, AZ 85003
- 222 East Javelina (Southeast Facility), Mesa, Arizona 85210

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY STADIUM  
DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Amendment No. 2 to the Intergovernmental Agreement for Law Enforcement Services between the Maricopa County Stadium District and Maricopa County with an effective date of July 1, 2004. The original IGA was effective March 18, 1998, to enable the Maricopa County Sheriff's Office to provide law enforcement and security services to the Maricopa County Stadium District for Diamondbacks baseball games and Stadium District events held at Bank One Ballpark. The original IGA included agreed upon hourly billing rates for the various ranks of officers that would be assigned to an event, and included incremental rate increases for each year through December 2000. Amendment No. 1 established hourly billing rates effective January 1, 2001. This amendment, Amendment No. 2, establishes the hourly billing rates effective July 1, 2004. All other terms and conditions remain the same. (C5098065002)

**TEMPORARY, ONE-TIME ADDITION TO THE FLEET OF A RED-LINED VEHICLE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a temporary, one-time addition to the Sheriff's Office fleet of a red lined vehicle (No. 32946). This is a 1999 Chevy pickup truck, currently scheduled to be removed from service in June 2004. If this vehicle is removed from service, the Sheriff's Office Lake Patrol Division (5037) will be short a vehicle for its busy season. Board authorization is requested for continued use of this vehicle in the Sheriff's Office Lake Patrol Division (5037) until October 15, 2004, at which time the busiest lake-use season should be ended. The vehicle will then be returned to Equipment Services for disposal. The estimated operating expense for this time period is approximately \$1,500 and will be paid from Sheriff's Office budgeted funds. (C5005068M) (ADM3104)

**RESOLUTION – WAIVE FEES NORMALLY CHARGED FOR OBTAINING ONE COPY OF CRIME  
REPORT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to adopt a resolution to waive the fees normally charged for obtaining one copy of a crime report to a

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respective victim or to a member of the respective victim's immediate family. This action does not apply to requests for traffic incident reports unless they are fatalities. The effective date of this action would be July 1, 2004. The current charges are .50 cents per page and \$7.50 for issuance of a non-confidential report form. The immediate financial impact is estimated to be approximately \$7,000 per year in lost revenue to the general fund. It is recommended that the impact of this waiver be reviewed after two-years to determine whether the financial impact warrants continuation of the fee waiver. (C5004069M) (ADM3900)

**DONATION, PERMANENT ADDITION TO THE RICO FLEET, AND EXEMPT FROM MARKINGS OF A 1998 ALLEGRO COACH 37-FOOT MOTOR HOME**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a donation and a permanent addition to the Sheriff's Office RICO fleet of one 1998 Allegro Coach 37-foot motor home with 13,000 miles, valued at \$65,690. This vehicle is donated by George Ray, in memory of his mother, Eloise Ray Doyle for use by the Investigations Unit that investigated her kidnapping and related death. This is a permanent addition to the RICO fleet and will be replaced at the end of its useful life using RICO funds. The annual estimated operational cost is \$4,500, which will be funded using RICO funds. Also, approve this vehicle be exempt from markings and issued regular plates because it will be used as an investigations command post where anonymity is required. (C5004070M) (ADM3104V)

**INTERGOVERNMENTAL AGREEMENTS FOR LAW ENFORCEMENT SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Intergovernmental Agreements for Law Enforcement Services between the following towns and Maricopa County. The terms of the agreements are July 1, 2004, through June 30, 2007. By April 1 of each year, the Sheriff's Office is to notify each town of any changes in charges for service. The amounts charged represents full cost recovery for all law enforcement services rendered.

- a) Town of Queen Creek will be provided law enforcement services at the level of two beats. The FY 2004-2005 cost for these services is \$1,030,702, payable in twelve monthly installments. This agreement supersedes the current agreement (C50030112), which expires June 30, 2004. (C50050012)
- b) Town of Fountain Hills will be provided law enforcement services at the level of 3.5 beats. The FY 2004-2005 cost for these services is \$1,730,470 payable in twelve monthly installments. This action will require a corresponding increase to the Sheriff's Office FY 2004-2005 general fund (100) revenue and expenditure budget in the amount of \$74,571 to fund the town's request for a full time School Resource Officer (deputy-one FTE position) with related equipment and supplies. This additional service is included in the contracted amount and was not anticipated when the FY 2004-2005 budget was submitted. This agreement supersedes and replaces the current agreement (C50040032), which expires June 30, 2004. (C50050022)

**GRANT AGREEMENT AND ACCEPTANCE OF GRANT FUNDING FROM THE ARIZONA AUTOMOBILE THEFT AUTHORITY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve grant agreement and acceptance of \$25,596 in grant funding from the Arizona Automobile

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Theft Authority. This funding will provide \$24,384 for overtime, operating expenses, and for a two-bait car system that will be used to target, suppress, and investigate vehicle theft within the county. The remaining \$1,212 will be used for training. The term of this agreement is July 1, 2004, through June 30, 2005. Also, approve an appropriation adjustment to increase Sheriff's Office grant fund (251) revenue and expenditure budgets in the amount \$18,096. The Sheriff's Office submitted an estimated budget for this grant of \$7,500 based on previous awards and will work with the Office of Management & Budget following 2005 budget adoption to complete the adjustment. (C50055003)

**APPLICATIONS AND ACCEPTANCE OF GRANT FUNDING FROM THE ARIZONA CRIMINAL JUSTICE COMMISSION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve applications and acceptance of continued grant funding from the Arizona Criminal Justice Commission, as follows. The award periods for these grants is July 1, 2004, through June 30, 2005.

- a) Residential Substance Abuse Program in an amount up to \$541,886. This is a reimbursement grant. There is a 25% match requirement estimated to be \$135,472, which was included in the Sheriff's Office FY 2004-2005 budget request to be funded from the Inmate Service Fund (252). Also, approve an appropriation adjustment to increase Sheriff's Office grant fund (251) revenue and expenditure budgets in the amount of up to \$89,387, if necessary, once notification is received of the final award amount. The Sheriff's Office submitted an estimated budget for this grant of \$452,499 based on previous awards and will work with the Office of Management & Budget following 2005 budget adoption to complete any necessary adjustments. (C50055013)
- b) Multi-Agency Drug Enforcement Detention Strategy Program in an amount up to \$387,596. This grant funds the salaries and employee related expenses of nine detention officer positions. Also, approve an appropriation adjustment to increase Sheriff's Office grant fund (251) revenue and expenditure budgets in the amount of up to \$60,297, if necessary, once notification is received of the final award amount. The Sheriff's Office submitted an estimated budget for this grant of \$327,299 based on previous awards and will work with the Office of Management & Budget following 2005 budget adoption to complete any necessary adjustments. This is a reimbursement grant. (C50055023)
- c) Residential Substance Abuse Treatment Aftercare Program in an amount up to \$129,654. This is a reimbursement grant. There is a 25% match requirement estimated to be \$32,414, which is included in the Sheriff's Office FY 2004-2005 budget request to be funded from the Sheriff's Office Inmate Service Fund. Also, approve an appropriation adjustment to increase the Sheriff's Office grant fund (251) revenue and expenditure budgets in the amount of up to \$72,180, if necessary, once notification is received of the final award amount. The Sheriff's Office submitted an estimated budget for this grant of \$57,474 based on previous awards and will work with the Office of Management & Budget following 2005 budget adoption to complete any necessary adjustments. (C50055033)
- d) Records Improvement Program in an amount of up to \$100,000. This is a reimbursement grant. There is a 25% match requirement, which is estimated to be \$25,000, and has been requested in the Sheriff's Office 2004-2005 general

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fund budget. The continuing operating costs for the Digital Imaging component for RMS are estimated to be \$16,000 beginning in FY 2006. If this grant is awarded, funding for continuing operations will be requested in the Sheriff's Office annual budget development process. (C50055053)

- e) Maricopa County Neighborhood Narcotic Enforcement Team in an amount of up to \$488,418. This is a reimbursement grant. Also, approve an appropriation adjustment to increase Sheriff's Office grant fund (251) revenue and expenditure budgets in the amount of up to \$87,160, if necessary, once notification is received of the final award amount. The Sheriff's Office submitted an estimated budget for this grant of \$401,258 based on previous awards and will work with the Office of Management & Budget following 2005 budget adoption to complete any necessary adjustments. There is a 25% match requirement estimated to be \$122,104.50. Portions of the match will be reimbursed by the co-participants based on the actual award. The estimated Sheriff's Office portion of this match obligation is \$58,273, and this amount was included in the Sheriff's Office FY 2004-2005 general fund budget request. (C50055063)

**MEMORANDUM OF UNDERSTANDING WITH THE FEDERAL BUREAU OF INVESTIGATIONS (FBI)**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the Memorandum of Understanding between the Maricopa County Sheriff's Office (MCSO) and the Federal Bureau of Investigations (FBI). his MOU outlines the mission of the Violent Street Gang Task Force (VSGTF) and formalizes the relationship between the FBI and MCSO so that maximum inter-agency cooperation can be aimed at reducing violent criminal activity within the community. he term of this MOU is indefinite, but may be terminated at any time by a 30-day written notice of intent. (C50055043)

**DISTRIBUTION OF TAYLOR GRAZING FEES**

Pursuant to ARS §42-17106B, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the distribution of Taylor Grazing fees in the amount of \$17,700 (approximately) from the County School Fund 601 to the Small Schools Fund 715 in the amount of \$7,000, and the remaining balance to the County General Fund 100 (approximately \$10,700). (C37040068) (ADM3800-003)

**APPOINTMENT OF COURT COMMISSIONERS AS SUPERIOR COURT JUDGES PRO TEMPORE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the appointment of Court Commissioners Mina E. Mendez and Dean M. Fink as a Superior Court Judges Pro Tempore for the period from May 24, 2004, through December 31, 2004, to serve in the various programs in the Superior Court to reduce trial delay. (C38040247) (ADM1001)

**REAPPOINTMENT TO BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the reappointment of Gloria Munoz to a four-year term on the Board of Commissioners of the Housing Authority of Maricopa County, term to expire on June 30, 2008. (C20040139) (ADM2401)



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**REWARDING IDEAS EMPLOYEE AWARDS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize employee awards from the Rewarding Ideas Program in the amount of \$5,000 and present awards on June 16, 2004. (ADM3333-002)

**TRANSFER EXPENDITURE AUTHORITY TO HEALTH CARE MANDATES DETENTION FUND**

Per ARS §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to transfer expenditure authority of \$6,009,614 from Appropriated Fund Balance (480) Detention Fund (255) General Contingency (4811) and \$62,531 from Appropriated Fund Balance (480) Detention Fund (255) Reserved Items: New Facility Start-Up (4811) to Health Care Mandates (390) Detention Fund (Fund 255). Approval of this action is necessary in order to cover increased payments for health care provided by outside providers and MIHS to County adult jail inmates and juvenile detainees, and reflects an interdepartmental agreement between MIHS and Health Care Mandates to settle outstanding claims for the current and prior fiscal years. This adjustment will be accompanied by a partially offsetting increase of \$4,380,545 in Eliminations revenues and expenditures, resulting in a net decrease in the overall FY 2003-2004 budget of \$4,380,545. This adjustment will help to ensure that the county's budget maintains structural balance. It does not alter the duly adopted budget for purposes of ARS §42-17105, but rather, reflects internal structural adjustments necessitated by additional expenses associated with adult jail inmate and juvenile detainee health care. The annualized impact of this adjustment is an increase of \$3,201,604. (C39040150) (ADM2104)

**CONTRACT WITH VHS ACQUISITION COMPANY NUMBER 1 LLC, dba PHOENIX MEMORIAL HOSPITAL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a contract with VHS Acquisition Company Number 1, LLC, dba Phoenix Memorial Hospital to provide professional medical services to county patients, as authorized. The effective date of this contract shall be the first day of the month following formal approval of the contract by the Board and will remain in force and effect until termination in accordance with its provisions. Either party for convenience may terminate this contract by providing notice of 60 calendar days to the other party. This contract is covered by the not-to-exceed for Professional Medical Providers for Correctional Health Service (C39040190) and therefore, has no financial impact. (C39040160)

**CONTRACT WITH IASIS HEALTHCARE, INC. dba ST. LUKE'S MEDICAL CENTER, TEMPE ST. LUKE'S HOSPITAL, AND MESA GENERAL HOSPITAL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a contract with IASIS Healthcare, Inc, dba St. Luke's Medical Center, Tempe St. Luke's Hospital, and Mesa General Hospital to provide professional medical services to county patients, as authorized. The effective date of this contract shall be the first day of the month following formal approval of the contract by the Board and will remain in force and effect until termination in accordance with its provisions. Either party for convenience may terminate this contract by providing notice of 60 calendar days to the other party. This contract is covered by the not-to-exceed for Professional Medical Providers for Correctional Health Service (C39040190) and therefore, has no financial impact. (C39040170)

**INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement between Maricopa County and the Arizona Department of Health Services (ADHS) which in effect extends the existing arrangement for the county's funding of behavioral health services for a term of one year. County funding for services to the seriously mentally ill (SMI) under this IGA will be \$29,463,194 for FY 2005. This increases the level of county funding based on medical inflation for services to the seriously mentally ill by \$1,403,009 over the funding paid under the previous IGA in FY 2004. The FY 2005 IGA also requires the county to fund Non-SMI services in the amount of \$3,366,705 and substance abuse (LARC) services in the amount of \$1,489,871 for the one-year term which is equal to the FY 2004 level. The IGA will be in effect until June 20, 2005. The IGA may be amended, further extended or terminated pursuant to the IGA provisions, including a 90-day termination without cause provision. Total county funding for behavioral health services in FY 2005 under the IGA will be \$34,319,770 for a one-year term. (C39040182)

**MARICOPA COUNTY AND JUDICIAL BRANCH PERSONNEL AGENDAS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve Maricopa County and Judicial Branch Personnel Agendas, per Exhibit A and B on filed in the Office of the Clerk of the Board of Supervisors.

**ADMINISTRATIVE ADJUSTMENTS TO DISPROPORTIONATE SHARE BUDGET**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize the County Administrative Officer during FY 2003-2004, to make an administrative adjustment to the Disproportionate Share budget in both Health Care Mandates and MIHS once the county is notified of the actual value of this transaction from the State. This adjustment will be offset with corresponding adjustments to the Eliminations budget and, as a result, will have no net impact on the countywide budget. The Office of Management and Budget is responsible for notifying the Board and the Department of Finance of this adjustment once complete. (C49040218) (ADM2104)

**TRANSFER AND EXPENDITURE REGARDING ARIZONA POLLUTANT DISCHARGE ELIMINATION SYSTEM**

In accordance with ARS §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the transfer and expenditure of \$250,467 from Appropriated Fund Balance (480) General Fund (100) General Contingency (4811), to a new line item in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "Arizona Pollutant Discharge Elimination System". The approval of this action will fund the reimbursement for all services performed by the Flood Control District in regards to the Arizona Pollutant Discharge Elimination System (AZPDES) program for Fiscal Years 2002-2003 and 2003-2004. (C4904025M) (ADM1800-003)

**TRANSFER UNEXPENDED APPROPRIATED BUDGET AUTHORITY AND INCREASE THE FY 2003-2004 APPROPRIATED BUDGET**

Per ARS §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize the Office of Management and Budget to:

- a) Transfer unexpended appropriated budget authority at fiscal year end in a total amount not-to-exceed \$50,600,000 from Appropriated Fund Balance (480) – General Fund (100), Appropriated Fund Balance (480) – Detention Fund (255) and Health Care Mandates (390) – General Fund (100) to cover increased

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- expenditures in Maricopa Health Plans (600) – Health Plan Fund (541), Maricopa Health Plans (600) – Long Term Care Plan Fund (551), and Maricopa Health Plans (600) – Senior Select Fund (566). These appropriated budget transfers will result in a net change of zero in the overall budget of Maricopa County.
- b) Increase the FY 2003-2004 appropriated budget for Appropriated Fund Balance (480) - General Fund (100) by an amount not to exceed \$50,600,000 at fiscal year end from the remaining amounts designated in General Fund balance for "MIHS Accounts Receivable" and "MIHS Losses". Additional expenditure authority will be allocated to a special budget item within Appropriated Fund Balance – Other Programs (4812) entitled "MIHS Year-end Losses" to be used for additional fund transfers to cover projected expendable fund deficits in the Health Plan (541), Long Term Care Plan (551), and Senior Select (566) funds, along with corresponding increases in budgeted revenue in each fund. This adjustment will be accompanied by an offsetting increase in Eliminations revenues and expenditures, resulting in a net change of zero in the overall budget of Maricopa County. Approval of these budget adjustments will authorize the Department of Finance to execute fund transfers in the amounts budgeted.

The Office of Management and Budget will provide a written report to the Board of Supervisors of the actual amounts transferred and adjusted in the budget pursuant to this action. (C49040268) (ADM1800-003)

**MANAGEMENT INCENTIVE PROGRAM PERFORMANCE PLAN FOR DIRECTOR OF PUBLIC WORKS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a Management Incentive Program Performance Plan for Michael Ellegood, Director of Public Works, for the period March 1, 2004, through March 1, 2005, in compliance with the Board approved Management Incentive Policy (HR2421). (C35040329) (ADM3308-002)

**COMMUNITY DEVELOPMENT BLOCK GRANT CONTINGENCY FUND**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a request from the Community Development Block Grant (CDBG) Contingency Fund in the amount of \$75,000 for the New River/Senior Center/New River Kiwanis CDBG Project (DG0108). This project was approved via Agenda C17020090 by the Board on May 2, 2001. The CDBG funded project, originally funded for \$375,000 was to design and construct the New River Senior Center. The project was delayed due to complications with a land patent transfer from the Bureau of Land Management as well as some archaeological and environmental clearance issues. Following resolution of those issues and the design, a bid opening for a construction contractor was held. The low responsible bid was \$550,000. Additionally, architectural and environmental review fees totaled \$54,346 bringing the total project to \$604,346. Subsequently, additional funds were secured: \$100,000 from the Industrial Development Authority (IDA) and \$54,346 from a District 3 discretionary fund for a total available of \$529,346, however, leaving a shortfall of \$75,000. The building, to be built on county land, will be owned by the county and leased to the New River Kiwanis Club who is responsible for the operation and maintenance. This federally funded building is use-restricted and must be used only as a senior center or other CDBG eligible activity. (C1702009002)

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**RESCOPING OF URBAN COUNTY HOME PROJECT – SURPRISE/RENTAL HOUSING/CSA – WITHDRAWN**

Item: Approve the rescoping of urban county HOME project UC0209, Surprise/Rental Housing/CSA from rental housing to homeownership and clarify the name to be Surprise/Homeownership Housing/CSA. (C17030010ZZ) (C1703016001)

The Clerk announced that this item was withdrawn by the department.

**RESCOPING OF COMMUNITY HOUSING DEVELOPMENT ORGANIZATION – SURPRISE/RENTAL ACTIVITY/CSA – WITHDRAWN**

Approve the rescoping of Community Housing Development Organization (CHDO) project CH0301 Surprise/Rental Activity/CSA from rental housing to homeownership and clarify the name to be Surprise/Homeownership/CSA. (C1704020001)

The Clerk announced that this item has been withdrawn by the department.

**CONSULTANT CONTRACT WITH WORK GROUPS BY DESIGN**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a consultant contract with "Work Groups By Design" (Paul Ludwick) for development of the following plans. The plans are fully funded with CDBG and HOME Program funds. (C17040661)

- a. FY 2005-2009 Urban Maricopa County Non-housing Community Development Consolidated Plan;
- b. FY 2005 Urban County Year 1 Action Plan;
- c. FY 2005-2009 Maricopa HOME Consortium Consolidated Plan; and
- d. FY 2005 Maricopa HOME Consortium Year 1 Action Plan for an amount not-to-exceed \$46,130.

**APPLICATION FOR GILA RIVER INDIAN COMMUNITY FOR INDIAN GAMING COMPACT FUNDS**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize the Parks and Recreation Department to apply to the Gila River Indian Community for Indian Gaming Compact Funds for a five-year period, and adopt a resolution. If a grant award is awarded, authority to accept the funds will remain with the Board of Supervisors. (C30040253)

**ACCEPTANCE OF FUNDING FROM STATE OF ARIZONA GAME & FISH DEPARTMENT**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize and approve the acceptance of funds from the State of Arizona Game & Fish Department in the amount of \$15,000 for upgrade and rehabilitation of an existing wildlife area at Utery Mountain Park by executing the Collection Agreement and approve an expenditure appropriation adjustment in the FY 2005 budget for Fund 230 to allow for the expenditure of these funds. (C30040262)

**FUND TRANSFERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims, as published.

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**SURPLUS PROPERTY TO BE SOLD AT AUCTION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to declare the real estate parcels described below to be surplus property and authorize them to be sold at auction by Real Estate Services when the Scottsdale and Northwest Justice Courts relocate to new facilities currently under construction.

- Parcel 1:  
1.28 acres, 11601 North 19<sup>th</sup> Avenue, Phoenix, AZ  
Description: 4,563 square feet court building  
Assessor's parcel numbers: 159-06-003, 005 and 006  
Appraised value: \$600,000 Date: Nov. 13, 2003
- Parcel 2:  
1.838 acres, 8230 East Butherus Drive, Scottsdale, AZ  
Description: 13,246 square feet court building  
Assessor's parcel number: 215-55-040A  
Appraised value: \$2,185,000 Date: Nov. 28, 2003

Also, authorize Real Estate Services to commence preliminary marketing and advertisement in anticipation of a moving date in mid, to late, 2005. The land values will be determined by certified licensed appraisers and the property will be auctioned either by oral or sealed bid to the public or, if to a municipality or other government entity, at fair market value, without an auction, all as provided for in ARS §11-251 Paragraph 9. Upon selection of a qualified bidder, and execution of a purchase contract by buyer, each parcel will be submitted to the Board for approval of the purchase contract prior to close of escrow. (C1804042B) (ADM812)

**SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the following solicitation serial items, except for 03235-C which was continued. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Solicitation Serials:**

- 03235-C INMATE STRIPED CLOTHING** (\$2,000,000 est./three (3) years with three (3) one-year renewal options) (This item continued from meeting of May 19, 2004).  
Pricing agreement to purchase inmate striped clothing for the Sheriff's Department.
- Robinson Textiles, Inc.
  - Uniforms Manufacturing, Inc.

**CONTINUED TO JUNE 16, 2004, MEETING DATE FOR NEGOTIATION ON A PROTEST**

Aaron Tucker, Uniforms Manufacturing, was present to speak had the item not been continued.

- 04029-C DIGITAL COPY MACHINE** (\$250,000 est./three (3) years with three (3) one-year renewal options) (This item continued from meeting of May 19, 2004).

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Pricing agreement to purchase a digital copy machine for the Materials Management Reprographics Department.

- Hughes-Calihan Corporation

- 03248-RFP      ELECTRONIC DOCUMENT MANAGEMENT SYSTEM** (\$514,000 est./three (3) years with three (3) one-year renewal options)  
Pricing agreement for an Electronic Document Management System to be used by the Planning and Development Department.
- ALPHACORP

**Contract Renewal**

Renewal of the following contract(s): (Renewals are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).  
Until August 31, 2006

- 02032-C      PLUMBING SUPPLIES** (\$412,000 est./two (2) years)  
Pricing agreement to purchase Plumbing Supplies for use by various county departments.
- Browns Partsmaster, Inc.

**SETTLEMENT AGREEMENT IN MARICOPA COUNTY VS. SMT INVESTORS LIMITED PARTNERSHIP**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize a settlement agreement in the matter of Maricopa County vs. SMT Investors Limited Partnership et al (CV2002-005235) for the purchase of real estate for the Human Services Campus. (Discussed in executive session on June 1, 2004.) (This is Addendum item A-1.) (C1804044B) (ADM409)

**KENNEL PERMIT RENEWALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following kennel permit renewals for the term of June 2, 2004, through June 1, 2005. The permit renewal is recommended by Animal Care & Control with no complaints received. The cost of each kennel permit is \$90. (C7904060C) (ADM2304)

- Gregg & Maryann Kenninger, dba Sunburst Kennels, 4120 East Pinnacle Vista Drive, Cave Creek, AZ 85331, Permit No. 210 (Supervisory District No. 3)
- Victor Dad, dba Prince Kennels, 6102 West Dobbins Road, Laveen, AZ 85041, Permit No. 263 (Supervisory District No. 5)
- Barbara Whitley, dba Whitley's Whallashala, 1001 West Weldon Avenue, Phoenix, AZ 85013, Permit No. 331 (Supervisory District No. 4)
- Jane Estabrook, dba Desert Sky Cavaliers, 8755 East Gary Road, Scottsdale, AZ 85260, Permit No. 378 (Supervisory District No. 2)

**KENNEL PERMITS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve issuance of the following kennel permits for the term of June 2, 2004, through June 1, 2005. The cost of a kennel permit is \$90. (ADM2304)

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- a. Annette Clendenen, dba Clendenen Kennels, 5416 South Wintersburg Road, Tonopah, AZ 85354 (C7904061C)
- b. Susie & Jorge Olivera, dba Olivera Kennels, 17020 East Campbell Road, Gilbert, AZ 85234 (C7904062C)
- c. Faith Sisk, dba Sisk Kennels, 36436 North 11<sup>th</sup> Avenue, Phoenix, AZ 85086 (C7904063C)
- d. Ronald Kibbons, dba R & R Kennels, 1511 South 396<sup>th</sup> Avenue, Tonopah, AZ 85354 (C7904064C)
- e. Geri Mulhern, dba Hassayampa Animal Kennels, 29115 West Montgomery Road, Wittmann, AZ 85361 (C7904065C)

**U.S. ENVIRONMENTAL PROTECTION AGENCY COOPERATIVE AGREEMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the U.S. Environmental Protection Agency (EPA) Cooperative Agreement and accept grant funding not-to-exceed \$988,478. The duration of the grant-funding period will be October 1, 2003, through Sept. 30, 2004. This EPA grant supports several activities of the air quality program including:

- a. ambient air quality monitoring
- b. stationary source-engineering reviews
- c. on-site inspections to determine compliance with specific federal regulations.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C88040443)

**FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COMMUNITY COLLEGE DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a financial Intergovernmental Agreement (IGA) between the Maricopa Community College District on behalf of the District's colleges and the Human Services Department. The IGA requires the colleges to provide Head Start staff and parents with educational services, training, and mentoring necessary for acquiring the necessary tools for lifelong success and succeeding in the workplace for an amount not-to-exceed \$130,000. The term of this agreement is July 1, 2004, through June 30, 2006. This agreement does not include any county general funds. (C22050142)

**INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COMMUNITY COLLEGE DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement (IGA) with Maricopa Community College District on behalf of Scottsdale Community College for the provision of food catering to participants in Maricopa County Head Start. The IGA represents a fixed price agreement per each meal and snack served for an amount not-to-exceed \$14,692. The IGA requires Scottsdale Community College to provide a minimum 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service. The Arizona Department of Education's Child/Adult Care Food Program, and the U.S. Department of Health and Human Services provide funding for the IGA. The term of the IGA is October 1, 2004, through September 30, 2005. This agreement does not include any county General Funds. (C22050182)

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**NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH MESA UNIFIED SCHOOL DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the non-financial Intergovernmental Agreement (IGA), with Mesa Unified School District and Maricopa County Human Services Department to collaboratively provide the Maricopa County Head Start program with services to preschool children with disabilities who are enrolled in the Head Start program, as specified in ARS §15-761. Mesa Unified School District will provide classroom and playground facilities as well as services for preschool children with disabilities, who are enrolled in the Head Start program for another program year. The agreement is effective July 1, 2004, through June 30, 2005. (C22050232)

**INTERGOVERNMENTAL AGREEMENT WITH ARIZONA BOARD OF REGENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement with the Arizona Board of Regents by and on behalf of the University of Arizona, College of Medicine to establish a partnership for education and research in preventive medicine. The term of the agreement is retroactive to January 1, 2004, through June 30, 2004, for a dollar amount not-to-exceed \$53,335. (C86040232)

**INTERGOVERNMENTAL AGREEMENT WITH WICKENBURG UNIFIED SCHOOL DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement with the Wickenburg Unified School District to provide school-based tobacco use prevention and education services. The term of the agreement is July 1, 2004, to June 30, 2005, for a contract dollar amount not-to-exceed \$2,000. (C86054202)

**SUBLETTING OF BUILDING AND TOWER SPACE AT BELL BUTTE TO FEDERAL BUREAU OF INVESTIGATION (FBI)**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve subletting of building and tower space at Bell Butte to Federal Bureau of Investigation (FBI) through the City of Tempe. By Lease Agreement C91-03 (approved January 7, 1991, under CS911150), the county leases Bell Butte to City of Tempe for use as a communications site. C91-03 stipulates that the city must have written consent from the county to sublet the premises. City of Tempe, having exercised its option to renew the 10-year lease of Bell Butte from the county (per letter dated September 4, 2001 from City of Tempe), now desires to sublet building and tower space to FBI. Said sublease agreement is coterminous with the original lease C91-03 between the county and the city and subject to the same conditions. By this action, the Board of Supervisors consents to the sublet agreement between City of Tempe and FBI. (C76040122)

**AGREEMENT WITH TOWN OF BUCKEYE - WITHDRAWN**

Item: Approve and sign an agreement between Maricopa County Equipment Services and the Town of Buckeye. This agreement allows Maricopa County to sell fuel from the county fueling stations to the Town of Buckeye. Fuel will be provided at the current cost to the county plus a markup to cover all associated costs of providing fuel. (This item requires unanimous roll call vote of the board). (C74040032)

The Clerk announced that this item was withdrawn as the full Board is not present for the vote.



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**INCREASE TO BUDGETED REVENUE AND EXPENDITURES DUE TO INCREASED FUEL COSTS**

In accordance with ARS §42-17106(B), motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize the approval of an increase in budgeted revenue (654-740-7414-636) and budgeted expenditures (654-740-7414-801-01) for FY 2003-2004 in the amount of \$1,300,000 due to increased fuel costs. The revenue for fuel will offset the wholesale expense. This will require an offsetting revenue (900-981-0980-636) and expenditures (900-981-0980-834) transaction in Eliminations of (\$1,300,000), that will have a net zero impact to the budget. (C74040048) (ADM3100-003)

**CHANGE ORDER TO CONTRACT WITH McCARTHY BUILDING COMPANIES**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Change Order No. 29 to Contract JE01-04 with McCarthy Building Companies in the amount of \$1,400,000. This contract is for the construction of the 4<sup>th</sup> Avenue Jail Adult Detention Facility. This change order incorporates an allowance to perform various post construction work activities required to complete the facility for occupancy. The increase is within the budget. (C40010110) (C7004082501)

**PROFESSIONAL SERVICE CONTRACTS FOR “AS NEEDED” ENVIRONMENTAL ENGINEERING SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve professional service contracts, as listed below, to provide “as needed” environmental engineering services for two-year periods. The consultants will provide planning, programming, estimating, design, and construction administration services for various county projects. Consultant fees for the two-year periods shall be \$250,000, or less, (each) and are paid by the County's Capital Improvement Program fund, Major Maintenance budget or by budgeted department funds.

- a. FM Group, Inc. (C70040895)
- b. AMEC Earth & Environmental, Inc. (C70040905)

**CHANGE ORDER TO CONTRACT WITH HUNT JACOBS**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Change Order No. 2 to Contract CFD02-04 with Hunt Jacobs, A Joint Venture, for Program Management Services to the Maricopa County Capital Improvement Program. Change Order No. 2, in the amount of \$705,368, is to provide program management, construction management, and construction materials testing and inspection for the design–build construction projects of the Northwest Consolidated Justice Courts (Project No. 2001220282E) and Downtown Consolidated Justice Courts (Project No. 2003418431). The Northwest Consolidated Justice Courts Project is located in the City of Surprise, at the corner of Tierra Buena Lane and Statler Boulevard, adjacent to the existing County Courthouse. The Downtown Consolidated Justice Courts Project is located at Northeast corner of Jackson Street and 7<sup>th</sup> Avenue in Phoenix. The amount of Change Order No. 2 is within the program budget. (C40030165) (C70040168) (C70040915)

**DONATION**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the donation of two Baptistrys (portable baptismal pools) from American Rehabilitation

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Ministries (ARM). The units will be used for the 4<sup>th</sup> Avenue Jail and the Lower Buckeye Adult Detention Jail. (C7004092M) (ADM800)

**CONTRACT WITH STANLEY CONSULTANTS, INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve a professional service contract with Stanley Consultants, Inc. to provide "as needed" civil engineering services for a two-year period. The consultant will provide planning, programming, estimating, design, and construction administration services for various county projects. Consultant fees for this two-year period shall be \$250,000, or less, and are paid by the County's Capital Improvement Program fund, Major Maintenance budget or by budgeted department funds. (C70040935)

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

No easements, right-of-way documents, or relocation assistance for highway and public purposes were presented at this time. (ADM2007)

**CALL FOR BIDS AND AWARD – CONSTRUCTION OF CHANDLER HEIGHTS ROAD CULVERT AT THE EASTERN CANAL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the solicitation for bids for the construction of the Chandler Heights Road Culvert at Eastern Canal, Project T094, (McDOT No. 68975), and approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the engineer's estimate by more than 10%. This approval is contingent upon the Board of Supervisors' approval of the FY 2004-2005 Budget. (C64042465)

**DECLARATION OF EXCESS LAND**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to declare as excess land Parcel Nos. W5905-EX and W5007-EX, acquired as part of McDOT Project Number 16007, Beloit Road to MC85 on Watson Road. The sale price will be at fair market value to be determined by a certified licensed appraiser. This five-acre property was acquired by McDOT to realign Watson Road. (Supervisorial District No. 5) (C64042475) (ADM812)

**ANNEXATION OF RIGHT-OF-WAY BY THE CITY OF SURPRISE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the annexation by the City of Surprise of county right-of-way within the general vicinity of the south 55' of Jomax Road from Cotton Lane to Sarival Road, in accordance with City Ordinance No. 04-16. (C64042485) (ADM4215)

**ANNEXATION OF RIGHT-OF-WAY BY THE CITY OF CHANDLER**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the annexation by the City of Chandler of county right-of-way within the general vicinity of Gilbert Road from 233' north of Williams Field Road, thence north approximately 2,176.81', in accordance with City Ordinance No. 3526. (C64042495) (ADM4203)

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**INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT)**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and execute an intergovernmental agreement with Arizona Department of Transportation (ADOT) for the purpose of accomplishing the AZTech Intelligent Transportation Systems (ITS) Integrated Emergency and Transportation Communications Network. The Federal Highway Administration has appropriated \$2,980,500 towards the expansion of Maricopa County's AZTech Program. The county has been obligated \$1,630,500 and will administer the funds while implementing the tasks identified for that purpose. During implementation of tasks, will collaborate with existing AZTech Partners, procure necessary consultants and/or contractors to accomplish the tasks. By approving the agreement, the Board will also accept the allocation in the amount of \$1,630,500 and agree to the terms specified therein. The county is the sub recipient of this reimbursable grant with ADOT acting as the fiduciary so therefore Policy A-87 should not be applied. The Federal Highway Administration will provide 100% funding so zero match is required of the county. (C64042502)

**AMENDMENT TO CURRENT FY 2003-2004 FIVE-YEAR CIP**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an amendment to the current FY 2003-2004 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on June 23, 2003, by decreasing the FY 2004 capital budget for the following projects:

- Project T004, Warranted Traffic Improvements (McDOT No. 68890) capital budget by \$250,000
- Project T013, GDACS – Geodetic Densification & Cadastral Survey (McDOT No. 69012) capital budget by \$570,000

And, adjusting the following projects by increasing the FY 2004 (Year 1) capital budget for each:

- Project T007, Previous Year's Projects (McDOT No. 68719) capital budget by \$250,000
- Project T053, Riggs Road, I-10 to Price Road (McDOT No. 68450) capital budget by \$250,000
- Project T058, Estrella Interim Loop 303 Phase 2 (McDOT No. 68840) capital budget by \$250,000
- Project T094, Chandler Heights: Culvert at Eastern Canal (McDOT No. 68975) capital budget by \$50,000
- Project T123, Brown Road, Ellsworth to Crismon (McDOT No. 69044) capital budget by \$20,000.

The requested adjustments are necessary to realign the project budgets to more closely match the year-end projected expenditure amounts, and result in a net impact of zero. (C64042518) (ADM2000-003)

**INTERGOVERNMENTAL AGREEMENT WITH STATE OF ARIZONA**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement between Maricopa County and the State of Arizona for improvements to MC 85 west from SR 85 to Turner Road. The purpose of the project is to discontinue the connection of old US 80 and SR 85 and improve the flow of traffic on old US 80 by connecting it to

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MC 85 via Turner Road. The state is contributing up to \$2,100,000 for this project, with the county acting as the lead agency for design and construction. Safety concerns have been raised by the school district and the local farming community at the existing old US 80 intersection with SR 85. To improve system continuity a public process was conducted with area residents and the consensus was to extend MC 85 west from SR 85 to Turner Road. The connection of MC 85 to Old US 80 via Turner Road is in lieu of the state constructing a new connection between Old US 80 and SR 85 as originally proposed in ADOT's DCR. The county will be responsible for any costs over the \$2,100,000 being funded by the state and will retain jurisdiction and maintenance responsibilities of this roadway. (C64042532)

**MARICOPA INTEGRATED HEALTH SYSTEM PERSONNEL AGENDA**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Maricopa Integrated Health Systems Personnel Agenda, per Exhibit F on file in the Office of the Clerk of the Board of Supervisors.

**ACCEPT FUNDING FOR REVENUE CONTRACT WITH AREA AGENCY ON AGING, REGION ONE, INC.**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize the Maricopa Integrated Health Systems Interim Chief of Health Plans to apply for and accept funding for a revenue contract from the Area Agency on Aging, (AAA) Region One, Inc., through a response to a Request-for-Proposals for Senior Adult Independent Living (SAIL) Case Management Services. If awarded the contract term will be July 1, 2004, through June 30, 2005. If fully funded, the amount allocated to MIHS will be \$1,277,848, but will require a county contribution of \$819,083 for a total contract amount of \$2,096,931. This will be a twelve-month contract, with an option to renew for a maximum of three additional terms. This contract may be extended for a period of one year. This contract may be terminated for convenience with 30-days notice from AAA or 60-days notice from MIHS. (C60042231)

**CONTRACTS FOR MEDICALLY NECESSARY TAXI TRANSPORTATION SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve contracts for Medically Necessary Taxi Transportation Service, effective upon Board of Supervisors approval through April 30, 2006. The proposed not-to-exceed amount is a percentage of \$3,700,000 (see agenda item C60042511, approved by the Board on May 19, 2004). The contracts may be extended for a total term of five years and may be terminated by either party with 90-days written notice. Maricopa County may, upon 30-days prior written notice, and without the consent of the other party hereto, assign these contracts.

- a) AAA Cab Service, Inc. (C60042431)
- b) American Pony Express, Inc., dba Allstate Cab Company (C60042441)

**CREATION OF A MEDICALLY NECESSARY, NON-EMERGENCY AMBULANCE SERVICES POOL**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the creation of a Medically Necessary, Non-emergency Ambulance Services pool with a not-to-exceed amount of \$3,446,012, effective upon Board of Supervisors approval. Included under this not-to-exceed pool are the following four contracts: Emergency Medical Transport, Inc., dba American Ambulance; Professional Medical Transport, Inc.; Rural/Metro Corporation dba American Medical Transport (AMT); and SW General, Inc., dba Southwest Ambulance. (C60042531)

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**LETTER OF AGREEMENT WITH AMERIHEALTH MERCY HEALTH PLAN**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the Letter of Agreement between the Maricopa County, dba Maricopa Integrated Health System (MIHS) and AmeriHealth Mercy Health Plan. The Letter of Agreement outlines the primary points of discussion between the parties regarding a contract for Third Party Administrator (TPA) services pursuant to the Request for Proposal (6004025-RFP). In negotiation of the need to deliver services under an accelerated implementation plan, the parties agree that implementation and planning work will commence prior to the execution of a final negotiated contract. The execution of the final negotiated contract is anticipated for completion on or before July 1, 2004. Approval of the final contract is subject to review and approval by Division of County Counsel. (Discussed in executive session on June 1, 2004.) (C6004271M)

**AMENDMENT TO CONTRACT WITH AREA AGENCY ON AGING, REGION 1 dba CARE DIRECTIONS**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 2 to a contract with Area Agency on Aging Region I, dba Care Directions for HIV Case Management and Referral Services. The amendment extends the term of the contract for an additional twelve months, making the aggregate term August 1, 2003, through July 31, 2005. The amendment increases the not-to-exceed amount for the term August 1, 2004, through July 31, 2005, by \$186,936.20, changing the total not-to-exceed from \$203,565 to \$390,501.20. The amendment also replaces the body of the contract with Attachments A, B, and C in order to more accurately comply with the requirements of the Ryan White Title IV, HIV Services Grant. This contract may not be extended beyond two years from the original effective date. This contract may be terminated by either party with 90-days written notice. The contract contains Assignment Language that allows, Maricopa County, upon 90-days prior written notice, to assign this contract without the consent of the other party. (C9004040102)

**INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a retroactive Intergovernmental Agreement between Arizona Department of Health Services and Maricopa Integrated Health System for the screening of targeted patients aged 18 - 50 for syphilis through the Emergency Department. ADHS will in turn reimburse MIHS the amount of \$5.00 per patient screened, with a not-to-exceed of \$72,000 annually. The term of the agreement shall be from November 15, 2003, and extend to November 14, 2008. (C90042052)

**RESIGNATION FROM PARKS AND RECREATION ADVISORY COMMISSION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the resignation of Marcus Dell'Artino from the Parks and Recreation Advisory Commission, effective upon Board of Supervisors acceptance. (C06040479) (ADM3203-001)

**APPOINTMENT TO PARKS AND RECREATION ADVISORY COMMISSION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to appoint Steven Betts to the Parks and Recreation Advisory Commission, as the District 2 nominee. The term of appointment will be to fill an unexpired portion of the term, from the date of Board approval through December 31, 2004. (C06040489) (ADM3203-001)

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**RESIGNATION FROM HOUSING AUTHORITY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the resignation of Denny Dobbins from the Housing Authority of Maricopa County, effective upon Board of Supervisors acceptance; and, appoint Jim Busselberg to the Housing Authority of Maricopa County, as the District 2 nominee. The term of the appointment will be to fill the unexpired portion of the term, from the date of Board approval through June 30, 2006. (C06040519) (ADM2401)

**PUBLIC HEARING SET – FOUNTAIN HILLS FIRE DISTRICT (PROPOSED)**

Pursuant to ARS §48-261A(7-9) motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to set a public hearing for 9:00 a.m., June 16, 2004, at the Board of Supervisors Auditorium, 205 West Jefferson on the petitions submitted May 19, 2004, regarding the creation of the Fountain Hills Fire District and the verifications completed by the County Recorder and the County Assessor. At the hearing the Board will take action on the validity of the petitions and issue a final order regarding the creation of the Fountain Hills Fire District. (ADM4434)

**PUBLIC HEARING SET – PARK PARADISE CONVERSION DISTRICT (PROPOSED)**

Pursuant to ARS §40-344 motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to set a public hearing for 9:00 a.m., July 7, 2004, at the Board of Supervisors Auditorium, 205 West Jefferson on the petitions submitted regarding the creation of the Park Paradise Conversion District and direct the Clerk of the Board to provide such public notice and publication as is required by statute. (ADM2061)

**PUBLIC HEARING SET – MARICOPA INTEGRATED HEALTH SYSTEMS**

Notion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to schedule a public hearing for 9:00 a.m., Wednesday, June 16, 2004, to consider Maricopa Integrated Health Systems regularly scheduled, annual, overall 13.5% rate increase and rates for new services being provided by Maricopa Medical Center to become effective July 1, 2004, and to forward such rate increases to the Director of the Arizona Department of Health Services for their approval, pursuant to Title 36, Chapter 4, Article 3 (Review of Rates), Arizona Revised Statutes, and Arizona Administrative Code §§ R9-11-103 and R9-11-105. (C90041809) (ADM2204)

**PUBLIC HEARING SET - ROAD FILE DECLARATION**

Petition has been filed for declaration of the following road into the county highway system. Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to schedule a public hearing for 9:00 a.m., Wednesday, July 7, 2004:

**Road File A256:** General vicinity of 555<sup>th</sup> Avenue from Hyder Road to Lahman Road.  
(C64042525)

**HEARING SET - PLANNING AND ZONING CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated

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areas of Maricopa County for June 16, 2004, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2003-125; DMP2003-010

**MINUTES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve minutes of the Board of Supervisors meetings held April 28, May 3, 13. and 18, 2004.

**RATIFY NEW AND AMENDED CONTRACTS PROCURED BY MIHS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to ratify new and amended contracts procured by MIHS in accordance with Article 13 of the Maricopa County Procurement code pursuant to the report on file in the Office of the Clerk of the Board of Supervisors. (ADM2100-005)

**PAYMENT OF ASRS CLAIMS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of the following current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (ADM3309)

<b>Name</b>	<b>Total Employer Cost</b>
Loyd Eskildson	\$ 4,825.72
Mary Joyce	517.54
Mary Perea	145.37
Sniucharan Chanda	556.51
David Pifer	41,093.94
Jacque Henry	58,661.82
Marcia Whiteside	22,839.21

**SETTLEMENT OF CLAIMS WITH MEDICAL SERVICE PROVIDERS**

No claims were presented at this time. (ADM409-001)

**2004 COMBINED CHARITABLE CAMPAIGN DONATIONS**

No donations were presented at this time. (C88040057) (ADM3311-002)

**CONTRIBUTIONS FOR THE 2004 NACO ANNUAL CONFERENCE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the acceptance of cash and in-kind contributions generated for the 2004 NACo Annual Conference through corporate sponsorships and donations. These contributions will support the expenses associated with Maricopa County's responsibilities as the July 2004 conference host. Itemized

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listing of commitments and donations received will be on file in the Office of the Clerk of the Board of Supervisors. (C2003015M) (ADM652)

**PRECINCT COMMITTEEMEN**

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. (ADM1701)

**OFFICIAL APPOINTMENTS AND OATHS OF OFFICE - CLERK OF THE SUPERIOR COURT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the Official Appointments and Oaths of Office for Desiree Monique Leroy, Michelle Victoria Gomez, Joseph E. Silberschlag, Lisa M. York, as special deputy clerks, in the Office of the Clerk of the Superior Court.

**SECURED TAX ROLLS**

No tax rolls were presented at this time. (ADM705)

**TAX ABATEMENTS**

No tax abatements were presented at this time. (ADM708)

**DUPLICATE WARRANTS**

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approval is requested that duplicate warrants be issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**STALE DATED WARRANTS**

No warrants were presented at this time. (ADM1816)

**MARICOPA COUNTY FAIR RACING MEET**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the Maricopa County Fair, Inc., to conduct a county fair racing meet, under the terms and at such time as provided in the application for the racing permit submitted by the County Fair Association, Inc., to the Arizona Department of Racing. (ADM150)

**TAX CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the settlement of tax cases, list dated June 2, 2004. (ADM704)

**2003**

TX 2002-000496

**2004**

TX 2003-0000642

**2004/2005**

ST2004-000012



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**CLASSIFICATION CHANGES**

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to the Assessor's recommended changes to classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

**COMPROMISES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in executive session held May 17, 2004). (ADM407)

Juan Felix	\$2,000.00	Anait Kirakosian	\$4,000.00
Alex Sifuentes	3,288.00	Debra G. Statland	1,500.00
Angel Thibodeaux	2,500.00		

**WRITE-OFFS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the requested write-offs as payment in full for the following cases. (Discussed in executive session held May 17, 2004). (ADM407)

Steve Fitch	\$14,807.30	Frederick Lee	\$16,998.29
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**PUBLIC COMMENT ON MATTERS PERTAINING TO MARICOPA COUNTY GOVERNMENT**

Anthony Abril, citizen, spoke on money issues in other areas of government and the private sector, which he felt were suspect and should be investigated. (ADM605)

**SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS**

Supervisor Wilson told of going to a recent Boy Scout ceremony where a young man, Jacob Stuckey, received his rank of Eagle Scout and all Eagle Scouts in the audience were asked to go up and sit in the "Eagle's Nest." He said a gentleman named George French joined him as they went up and they chatted briefly. Mr. Wilson learned that Mr. French had become an Eagle Scout in 1926, is now 97 years old and lives in Litchfield Park. Mr. Wilson added, "I thought at the time that we probably had the newest Eagle Scout in the country sitting with the oldest Eagle Scout in the country." (ADM606)

Supervisor Wilcox reported that Supervisor Stapley's Office Manager, Susan Schuerman, was in Las Vegas where her daughter had been taken seriously ill over the weekend while on vacation there, and is still hospitalized. She urged County employees to donate leave time to Ms. Schuerman so she may stay in Las Vegas to be close to her daughter.

Supervisor Wilcox also thanked Al Brown, Head of Environmental Services, for his help at the Phoenix Brick Yard, an old red brick business located in her district. The problem is that industrial and residential zoning are side-by-side and residents have long protested over a permit the company is seeking. She said that Mr. Brown had arranged for EPA involvement, (Environmental Protection Agency) who sent an investigator to mediate between the owners and residents.

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Supervisor Brock reported that one of his constituents, the mother of five small children, had been seriously burned in a domestic fire and the family had asked him to express their appreciation to the staff and healthcare professionals at the Arizona Burn Unit, Doctors Caruso, Canulla, and nurses for their excellent care while she was hospitalized.

Chairman Kunasek referenced agenda item #11 – to waive fees normally charged for a copy of a victim's crime report. He said he felt it was a prudent and appropriate action to approve this, as no victim should have to pay for a report of the crime committed against them. He thanked Sheriff Arpaio for requesting it.

Supervisor Wilson and the Chairman both spoke of a tour at 8:00 a.m. next Friday at the Desert Outdoor Center at Lake Pleasant, which both are sponsoring as this area affects both of their supervisorial districts and constituents. He said it is a wonderful facility that is under-utilized by the public although it is open to all who reserve it. He urged his constituents to attend the tour and asked them to RSVP as light refreshments would be served. He promised, "Once you come out there, you'll be back." Supervisor Wilson added that the last time this was done at the lake, approximately "14 javelinas had marched out in a row in front of us, as if they'd just been let out of a cage" He said none of them were running or looked excited so people just enjoyed watching them. He agreed that the facility was very special and should be better utilized. Both Supervisors gave their phone numbers so reservations could be easily received. Supervisor Brock added kudos to the Center and to the planned tour. "Even though it's not in my district I go out there often and encourage my constituents to go out there – it's one of the best kept secrets in the County and it's one of the most beautiful facilities in the entire area...it overlooks Lake Pleasant, there is a museum, a conference center, overnight facilities and a huge stainless steel kitchen." He asked people to remember it when planning a corporate retreat or for tour groups.

Supervisor Brock also spoke of the new County Information Age Government website, M-info, which has been designed to provide user-friendly interaction between County Government and residents who wish to get answers or contact their government. There is a sign-up screen asking for minimal information so that the County can contact you on points of interest that you choose to receive by e-mail. The site provides useful information and it is expected that services will be expanded in response to citizen input.

**PLANNING AND ZONING**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

- |           |                   |   |
|-----------|-------------------|---|
| <b>1.</b> | <b>Z2003122</b>   | <b>District 4</b>   |
|           | <b>Applicant:</b> | Timothy Poe for Stanley Consultants   |
|           | <b>Location:</b>  | 11459 W. Bell Rd. (in the Sun City area)  |
|           | <b>Request:</b>   | Major Amendment to an existing Special Use Permit (S.U.P.), Z 84-19, for RV storage facility – Sun Cities RV Storage Park (101.68 ac. with an additional 5.7 ac.) |

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2003-122, subject to the following stipulations "a" through "i". Commissioner Porter seconded the motion, which passed with a unanimous vote of 9-0.

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- a. All prior stipulations of case Z 84-19 shall remain in effect except as modified by the following stipulations.
- b. Development of the site shall comply with the site plan entitled "Sun Cities R.V. Storage Park Phase II-B", consisting of 2 sheets, stamped received February 12, 2004, except as modified by the following stipulations.
- c. Development shall be in conformance with the narrative report entitled "Sun City R.V. Storage Park Expansion", consisting of 5 pages, stamped received December 3, 2003, except as modified by the following stipulations.
- d. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- e. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- f. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- g. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- h. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- i. All outdoor lighting shall comply with the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval subject to stipulations "a" through "i."

- 2.      Z2004-012      District 4**  
**Applicant:** Lynne A. Lagarde of Earl, Curley and Lagarde P.C.  
**Location:** 13632 N. 99<sup>th</sup> Avenue (in the Sun City area)  
**Request:** Rezone from R-3 to C-2 – Thunderbird Plaza (1.129 acres)

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**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2004-012, subject to the following stipulations "a" through "c". Commissioner Aster seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall comply with the site plan entitled "Thunderbird Plaza" consisting of 1 sheet, dated September 12, 2003, revised October 10, 2003, and stamped received February 13, 2004, except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled "Thunderbird Plaza", consisting of 19 pages (with attachments), stamped received February 13, 2004, except as modified by the following stipulations.
- c. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval subject to stipulations "a" through "c"

3.     **S2004-012        District 3**  
       **Applicant:**     Stanley Consultants, Inc.  
       **Location:**     South of Anthem Way, west of Venture Dr. (in the Anthem area)  
       **Request:**       Final Plat in the R-2 R.U.P.D. district for Anthem Unit 65 (approximately 13.14 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve this final plat.

**REGULAR AGENDA DETAIL:**

4.     **MP 90-1            Districts 4 & 5** (This case continued from meeting of May 19, 2004).  
       **Applicant:**     Beus Gilbert, P.L.L.C.  
       **Location:**     North of I-10, south of the Central Arizona Project (C.A.P.) canal, west of the Hassayampa River, and east of the Wintersburg Rd. alignment  
       **Request:**       Review of the Status Report for a previously approved Development Master Plan (DMP), including possible action for modification of the DMP – Belmont Development Master Plan (20,800 ac.)

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of MP 90-1, subject to the following stipulations "a" through "vv". Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0

- a. Development to be in accordance with the Narrative entitled "Belmont Development Master Plan" dated revised September 28, 1990. Changes to the existing Belmont Development Master Plan or the adopted stipulations must be processed as an amendment in accordance with the applicable development master plan guidelines in effect at the time of the amendment submission.

- b. Domestic water shall meet Safe Drinking Water Act requirements.
- c. Roadside interceptor channels to be located outside roadway right-of-way within appropriate easements and provisions made or requirements maintenance.
- d. Northern Avenue alignment through the master planned area shall be designated to have a 130-foot arterial right-of-way.
- e. The intersection of Belmont Parkway and Northern Avenue shall provide for free flow of traffic in all directions. This will require additional right-of-way in the vicinity of the intersection.
- f. Perimeter dedications will be made, as necessary and recommended by the County to serve adjacent properties.
- g. Indian School Road from 339<sup>th</sup> Avenue westerly for 1½ miles and 339<sup>th</sup> Avenue from Indian School Road south to Interstate 10 shall be widened and improved as part of Phase I.
- h. Belmont Parkway from Indian School Road to Interstate 10 shall be completed with the necessary interchange at 347<sup>th</sup> Avenue at commencement of Phase II.
- i. The master developer shall make arrangements for completion of all necessary fire stations concurrent with development in the applicable service area. Compliance shall be documented by the fire district/service provider and filed with Maricopa County.
- j. The fence along the Central Arizona Project Canal shall not be removed.
- k. Development phasing shall adhere to a land use implementation schedule providing: 10.5 acres of commercial property, 8 acres of industrial property and 5 acres of public/quasi-public property per 1,000 projected population. Verification of compliance shall be provided to Maricopa County by the master developer prior to commencement of subsequent phases.
- l. Water usage shall be limited to 140 gallons per person, per day for the entire project. Water usage at this level shall be verified by the master developer for each phase prior to approval of any zoning for subsequent phases. Verification of compliance shall be provided by the master developer to the Maricopa County Planning and Development Department.
- m. A detailed schedule of anticipated development within a five (5) year period shall be provided at the time of preliminary platting.
- n. Gross residential densities shall not exceed the following target densities within the residential land use categories:
  - Rural residential/high density: 0.6 dwelling units per acre.
  - Suburban residential: 1.5 dwelling units per acre.
  - Urban residential/very low density: 3.0 dwelling units per acre.

- Urban residential/low density: 6 dwelling units per acre.
- Urban residential/medium density: 10.0 dwelling units per acre.
- Urban residential/high density: 16 dwelling units per acre.

Demonstration of compliance with the target densities shall be provided on all final plats.

- o. A detailed financing plan shall be submitted to the Maricopa County Planning and Development Department at time of rezoning and preliminary platting.
- p. The master developer shall submit a written report to the Commission outlining the status of this development every five (5) years following approval of this request by the Board of Supervisors. The status report shall include location of approved rezoning, location of developed parcels, location of parcels under construction, location of parcels sold to other developers, status of infrastructure development, current project density using both constructed and approved dwelling units, locations of any amendments made to the Master Plan, status and ratio of non-residential property, and any other information as requested by Maricopa County unless or until a development agreement between the master developer and Maricopa County is completed and signed by both parties.
- q. All development will be subject to the Maricopa County Subdivision Regulations in effect at the time of platting. In addition, roadway classifications, roadway design criteria, and roadway construction requirements shall conform to applicable Maricopa County standards in effect at the time of each zoning application unless modified by the adopted development agreement.
- r. All future rezoning applications for non-residential development will require a Planned Development (P.D.) overlay.
- s. The master plan shall be developed sequentially as depicted on the Phasing Prototype Map, Exhibit 3-20. Any change to the order of the phases of the project will require review and approval by the Planning and Zoning Commission and the Board of Supervisors.
- t. The master developer shall be responsible for the installation of all major elements of infrastructure including major street improvements, domestic water and sewer systems and drainage/flood control improvements in accordance with the Maricopa County standards in effect at the time of platting.
- u. MITIGATION FOR SHORT TERM AIR QUALITY IMPACTS

The following mitigation measures will be implemented during construction to reduce short-term air quality impacts of the project:

1. Master developer shall obtain an approved earth-moving permit from the Maricopa County Environmental Services Department.
2. All installation permits, operating permits, earth moving equipment permits and other permits required by law will be duly obtained and the requirement thereof will be satisfied. Proof of compliance with this stipulation shall be provided to the Maricopa County Planning and Development Department as the permits are obtained.

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MITIGATION FOR LONG TERM LOCAL AIR QUALITY IMPACTS

The Master Developer agrees to implement the following transportation demand and system measures to reduce vehicle miles traveled within the Belmont Area:

1. Traffic signals will be timed according to Maricopa County requirements. An underground conduit system (or comparable technology) shall be provided within those rights-of-way identified by the Maricopa County Department of Transportation to integrate traffic signals and for future intelligent transportation system uses.
2. Left turn signals will be provided at key intersections to maximize traffic flow.
3. Prior to approval of initial rezoning, the master developer shall prepare a comprehensive multimodal transportation and circulation plan for the Belmont Development Master Plan, which addresses conveyances such as bicycles, pedestrians, golf carts, and equestrian. Also prior to approval of initial rezoning, this plan shall be submitted to and approved by the Maricopa County Department of Transportation. In addition, the master developer shall include bicycle lanes on all arterial and collector road alignments, and a bicycle circulation plan shall also be provided to, and approved by, the Maricopa County Department of Transportation with each identified phase of development. A master plan for pedestrian paths shall also be provided to, and approved by, the Maricopa County Department of Transportation with each identified phase of development.
4. Bicycle facilities, including shaded areas and bicycle lockers, will be provided at each Multi-Use Center, and are subject to review and approval by the Maricopa County Department of Transportation.
5. Maps of existing and planned bicycle and pedestrian paths and facilities shall be made permanently available for public viewing at all public libraries and community centers in the Belmont Development Master Plan
6. The master developer shall provide neighborhood access to commercial and, where feasible, industrial areas via open space, pedestrian paths, bicycle paths, or other non-arterial street connections. Such access shall be specifically identified on all plats and precise plans of development.
7. The Master Developer will design Belmont to facilitate future transit usage by providing for safe and secure bus stops including turnout lanes in residential, industrial and commercial areas per the requirements of the Maricopa County Department of Transportation. Further, prior to approval of initial rezoning the master developer shall enter into an agreement with the regional public transportation authority board of directors, or equivalent public transportation agency, to identify future public transportation facilities, services, funding requirements, cost sharing, and a transportation management plan within the Belmont Development Master Plan. This agreement shall be signed by both the master developer and the regional public transportation authority or equivalent public transportation agency, and be provided to the Maricopa County Planning and Development Department for public record. Based on this agreement, public transportation facilities shall be identified on all plats.
8. Employers will be encouraged to provide bicycle storage, locker and shower facilities for employees. Applications for precise plans of development shall identify such facilities

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MITIGATION MEASURES FOR LONG TERM REGIONAL AIR QUALITY IMPACTS

The Master Developer agrees to implement the following transportation demand measures to reduce air emissions from trips and vehicle miles traveled between the project area and other regional destinations.

1. The Belmont master developer shall be responsible for providing transit and alternative transportation information to residents via an annual newsletter or equivalent method approved by the Maricopa County Planning and Development Department. Copies of such information shall be provided to the Maricopa County Planning and Development Department
2. The Master Developer will provide a Park and Ride lot system to coincide with the phasing of development at Belmont utilizing the Multi-Use Centers and other appropriate locations throughout Belmont. Park and ride lots, bus terminals, and other mass transit facilities shall be identified on all precise plans of development and plats.
3. Each commercial, industrial, and multi-use center development providing over 50 parking spaces will assign at least 15 percent of the spaces to priority parking for car pools. Such spaces shall be identified on all precise plans of development.
4. Free parking for automobiles, and bicycles, and other personal vehicles will be provided at park and ride facilities to encourage multi-occupancy vehicle use. Notes confirming compliance with this stipulation shall be included on all precise plans of development and plats.

IMPLEMENTATION OF AIR QUALITY MITIGATION MEASURES

At the time the individual parcels of the Belmont Development Master Plan are submitted for rezoning and/or subdivision approval, the master developer shall be required to specify in detail how the above referenced air quality mitigation measures will be implemented and enforced in conjunction with the Project seeking the zoning and/or subdivision approval.

The County Health Department shall be notified in conjunction with each request for zoning and/or subdivision approval and provided an opportunity to review and comment on the implementation of the specific air quality mitigation implementation to ensure such measures are in compliance with the air quality mitigation measures submitted in conjunction with the Belmont Master Plan approval and referenced herein.

- v. The bridge and interchange at 347<sup>th</sup> Avenue or 355<sup>th</sup> avenue, as determined by the Maricopa County Department of Transportation, must be built prior to the 339<sup>th</sup> Avenue Bridge reaching capacity.
- w. Prior to approval of initial rezoning, the master developer shall enter into a development agreement with Maricopa County. Further, prior to any rezoning approval this development agreement shall be signed by both parties and provided to the Maricopa County Planning and Development Department for public record.
- x. The initial final plat for phase one (1) shall occur within seven (7) years of Board of Supervisors approval of the revised Belmont Development Master Plan stipulations. If final platting has not occurred within this timeframe, the Belmont Development Master



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Plan shall be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation from the Maricopa County Planning and Zoning Commission, for possible revocation. If revoked, future action regarding the Belmont Development Master Plan would then require application for a new development master plan and would be subject to Board of Supervisors approval.

- y. If required by the Arizona Department of Water Resources, prior to approval of any rezoning the master developer shall update the preliminary groundwater resources evaluation study dated October 1989. Among other items, the updated study should examine expected aquifer production capabilities, impacts to adjoining aquifers, aquifer replenishment, and an analysis of the cumulative impacts of water withdrawal on the surrounding region. The study shall be approved by the Arizona Department of Water Resources. Based on the update results, Maricopa County reserves the right to require changes to the Belmont Development Master Plan to reflect updated conditions if required by the Arizona Department of Water Resources.
- z. If required by the Maricopa County Environmental Services Department, prior to approval of any rezoning the master developer shall update and, if necessary, revise the Belmont Development Master Plan Master Wastewater Study dated June 13, 1991. Based on the update results, Maricopa County reserves the right to require changes to the infrastructure plans to reflect updated conditions.
- aa. If required by the Maricopa County Environmental Services Department, prior to approval of any rezoning the master developer shall update and, if necessary, revise the Belmont Development Master Plan Master Water Study dated June 13, 1991. Based on the update results, Maricopa County reserves the right to require changes to the Belmont infrastructure plans to reflect updated conditions.
- bb. If required by the Flood Control District of Maricopa County, prior to approval of any rezoning the master developer shall update and, if necessary, revise the Belmont Development Master Plan Master Drainage Study dated June 13, 1991. Based on the update results, Maricopa County reserves the right to require changes to the drainage solutions for the Belmont Development Master Plan to reflect updated conditions. The master developer will be allowed to transfer density within the project to accommodate unforeseen drainage and flood control issues.
- cc. If required by the Maricopa County Department of Transportation, prior to approval of initial rezoning the master developer shall update the Belmont Development Master Plan Transportation Master Plan dated August 1990, and shall submit updates prior to commencement of each subsequent phase. The update should contain an analysis of the fiscal impact of the necessary transportation infrastructure, including funding for improvements and future maintenance. In addition, if required by the Maricopa County Department of Transportation, prior to any rezoning the master developer shall prepare and submit to the Maricopa County Department of Transportation for approval a regional transportation study for the area. This study should analyze and evaluate the transportation impacts of the Belmont Development Master Plan on the regional transportation system, with the impact area being determined by the Maricopa County Department of Transportation. This study should also address development phasing and the respective regional infrastructure improvements necessary to support each phase. Further, prior to approval of any rezoning the master developer shall agree to pay their

necessary and pro rata share of the regional fiscal impact costs of transportation facilities identified in the regional transportation model and as included in the development agreement.

- dd. For streets within the development, the average daily traffic (ADT) on the street segments shall not exceed the threshold ADT values defined in the Maricopa County Department of Transportation Roadway Design Manual. If the ADT attributable to Belmont on a street segment exceeds this threshold value, a parallel roadway facility, to the segment under consideration, shall be required at the discretion of the Maricopa County Department of Transportation.
- ee. All-weather access shall be provided to all parcels and on all arterial roadways.
- ff. A minimum of two access points shall be provided and available to each subdivision unit.
- gg. Street light installation shall be the responsibility of the master developer. A street lighting improvement district, or comparable authority, shall be established to provide operation and maintenance.
- hh. Prior to approval of any rezoning, and if required by the Maricopa County Environmental Services Department, a Maricopa Association of Governments (MAG) Air Quality Conformity Analysis shall be completed by the applicant and analyzed by MAG and Maricopa County to determine regional impacts and any necessary mitigation measures. Based on the results, Maricopa County and the master developer will address any necessary mitigation measures. Any mitigation measures taken will not affect approved densities for the Belmont Development Master Plan.
- ii. Prior to approval of any rezoning, an archaeological survey of the Belmont Development Master Plan property shall be conducted to locate and evaluate any existing cultural resources that may be present. Once the survey has been completed, a copy of the report shall be provided to the Arizona State Historic Preservation Office for review and comment. If historic or significant sites are identified within the project area, it may be necessary to have archaeological testing performed at the sites to evaluate their eligibility for inclusion in the National or State Register of Historic Places. If Register-eligible properties cannot be avoided by development activities, then the Arizona State Historic Preservation Office shall determine if a data recovery (excavation) program is necessary. If federal permit(s) are required for any development, then any archaeological work performed must meet the Secretary of Interior's standards.
- jj. If requested by the Arizona Game and Fish Department, prior to approval of initial rezoning the master developer shall work with the Arizona Game and Fish Department to help quantify potential impacts to wildlife in the Belmont Development Master Plan region, and work with the Arizona Game and Fish Department to develop a mitigation plan to offset potential adverse impacts to wildlife resulting from the proposed development. This mitigation plan shall be provided to the Maricopa County Planning and Development Department for public record, and all rezonings must demonstrate conformance with the approved mitigation plan unless deemed redundant due to the 404 permitting process.

- kk. The master developer shall notify all future Belmont Development Master Plan residents that they are not located within an incorporated city or town, and therefore will not be represented by or be able to petition a citizen-elected municipal government. Further, residents will not have access to municipally managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be published on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, be included in all home sales material, and be included in all homeowners association covenants, conditions, and restrictions (CC&Rs).
- ll. Prior to approval of any rezoning, the master developer shall initiate discussions with the appropriate public school district(s) to address service and facility needs. Any formal agreements signed by both the master developer and the school district(s) shall be provided to the Maricopa County Planning and Development Department for public record.
- mm. Not less than 2,059 acres of the Belmont Development Master Plan shall be set aside for commercial-type development, as identified in the Belmont Development Master Plan narrative report. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat or precise plan submission, the master developer shall submit a description of the status of the cumulative commercial-type development land use acreage with respect to the minimum 2,059-acre requirement.
- nn. Not less than 1,249 acres of the Belmont Development Master Plan shall be set aside for industrial-type development, as identified in the Belmont Development Master Plan narrative report. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat or precise plan submission, the master developer shall submit a description of the status of the cumulative industrial-type development land use acreage with respect to the minimum 1,249-acre requirement.
- oo. Not less than the following of the Belmont Development Master Plan shall be set aside for park and recreation, as identified in the Belmont Development Master Plan narrative report:
- 413 acres for neighborhood parks
  - 226 acres for playfields
  - 228 acres for playgrounds
  - 760 acres for community parks
  - 20 acres for indoor recreation
  - 6 public swimming pools
  - 54.5 acres for sports complex
  - 872 acres for usable retained open space
- To help ensure compliance, the total acres of each of these land uses shall be included on all plats. In addition, at the time of each preliminary plat submission, the master developer shall submit a description of the status of the cumulative land use acreage with respect to the minimum acreage requirement for each of these land uses.

- pp. Not less than 838 acres shall be set aside as natural open space. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat submission, the master developer shall include a description of the status of the cumulative natural open space acreage with respect to the minimum 838-acre requirement.
- qq. All park and recreation facilities shall be completed concurrent with development in the applicable service area. Park facilities shall be identified on all applicable plats, and park amenities will be subject to review by the Maricopa County Planning and Development Department.
- rr. Prior to filing applicable preliminary plats, the master developer shall submit a landscape inventory and salvage plan which identifies and assesses the native trees and cacti within the applicable parcels, and which determines the preservation and disposition for each of the selected trees, plants, and cacti. The salvage plan shall be in accordance with state laws in effect at the time of plat submittal.
- ss. The master developer or similar entity shall be responsible for construction and maintenance of public open spaces and facilities; washes; parks; roadway median landscaping; landscaping within the public rights-of-way; pedestrian, bicycle, and equestrian paths. Should the Belmont Development Master Plan be incorporated, responsibility for maintenance of the above mentioned facilities shall be the responsibility of the annexing city or newly created municipality.
- tt. All irrigation of common areas, golf courses, and lakes over ten (10) acres in size shall be done entirely with a renewable water supply when sufficiently available. A report identifying when a renewable water supply will be available shall be submitted to the Maricopa County Planning and Development Department prior to approval of initial rezoning. Notes testifying to compliance with this stipulation shall be placed on all plats.
- uu. No development shall be permitted on hillside slopes of greater than 15%. Building envelopes shall be required for all development in areas of 10% to 15% slope. Building envelopes are to designate the area that may be disturbed for all residential structures and amenities. The balance of the lot outside this envelope shall be retained in its natural state.
- vv. Prior to approval of the first final plat, the master developer shall provide Maricopa County with the appropriate documentation—as identified by the Maricopa County Planning and Development Department—of their intent to form a community facilities district that encompasses the entire Belmont Development Master Plan. This district shall be formed for the purpose of financing the following public infrastructure:
  - 1. Sanitary sewage systems, including collection, transport, storage, treatment, dispersal, effluent use and discharge.
  - 2. Drainage and flood control systems, including collection, transport, diversion, storage, detention, retention, dispersal, use, and discharge.
  - 3. Water systems for domestic, industrial, irrigation, municipal and fire protection purposes including production, collection, storage, treatment, transport, delivery, connection and dispersal.
  - 4. Highways, streets, roadways and parking facilities including all areas for vehicular use for travel, ingress, egress and parking.

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5. Areas for pedestrian, equestrian, bicycle and other non-motor vehicle use for travel, ingress, egress and parking.
6. Pedestrian malls, parks, recreational facilities, and public open space areas.
7. Landscaping including earthworks, structures, lakes and other water features, plants, trees and related water delivery systems.
8. Public buildings, public safety facilities and fire protection facilities.
9. Lighting systems.
10. Traffic control systems and devices including signals, controls, markings and signage.
11. School sites and facilities if agreed to and with the consent of the applicable school district(s).
12. Equipment, vehicles, furnishings and other property related to the items listed in this paragraph.

Formation of the district shall occur prior to issuance of any building permits.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to continue this item to the June 16<sup>th</sup> meeting.

- 5.      Z 97-76              District 4**  
**Applicant:** Bill Dougherty  
**Location:** East of Grand Avenue between the Beardsley Canal and the McMicken Dam (in the Sun City West area)  
**Request:** Special Use Permit (S.U.P.) for an RV park – Kampwest KOA RV Park (17.7 ac.)

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z 97-76, subject to the following stipulations “a” through “x”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development and use of the site shall be generally consistent with the site plan entitled "KOA Kampground – Kampwest", consisting of four (4) full-size sheets, dated revised August 13, 2003, sheets 1 and 2 stamped by the Civil Engineer August 13, 2003, sheet 3 stamped by the Civil Engineer December 9, 2003, and sheet 4 stamped by the Civil Engineer January 26, 2004, except as modified by the following stipulations.
- b. Development and use of the site shall be generally consistent with the narrative report entitled "KOA Kampground – Sun City West / North Phoenix", consisting of six (6) pages plus exhibits, stamped received April 22, 2004, except as modified by the following stipulations.
- c. Prior to zoning clearance, the applicant shall apply to the Board of Adjustment for Variances to the perimeter fence, landscaping and setback requirements where not consistent with MCZO as shown on the site plan referenced in stipulation “a” above. Should said Variance requests be denied by the Board of Adjustment, the applicant shall apply for an Administrative Amendment to the Special Use Permit to correct the site plan and narrative report.
- d. Any landscaping to be installed on the property shall be limited to plant species indigenous to the Upper Sonoran Desert. Any turf areas shall be limited to non-invasive grass species.

- e. The facility shall comply with all applicable federal and state laws regarding groundwater use.
- f. Prior to zoning clearance, developer shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- g. The applicant shall comply with the following Maricopa County Environmental Services Department (MCESD) stipulations:
  - i. Prior to zoning clearance, the applicant shall obtain from the MCESD an Approval to Construct for the proposed sewer system.
  - ii. Prior to zoning clearance, the applicant shall obtain the necessary approvals for each of the proposed septic systems. Onsite wastewater disposal systems shall not be located within 50-feet of the floodplain generated by a 10-year, 24-hour storm event.
  - iii. Prior to zoning clearance, the applicant shall obtain from the MCESD an Approval to Construct for the proposed water distribution system. Prior to the issuance of the Approval to Construct, the applicant shall obtain a New Source Approval for the well.
  - iv. Prior to Certificate of Occupancy, the applicant shall apply for and obtain a Trailer Coach Permit from the MCESD.
  - v. Prior to the commencement of any construction for any phase of the project, the applicant shall obtain the necessary Earth Moving (Dust Control) Permit from Environmental Services.
- h. The following stipulations of the Flood Control District shall be met:
  - i. Prior to the commencement of any construction within the Flood Control District right-of-way, the applicant's contractor shall obtain the necessary Right-of-Way Permit from the Flood Control District. Said contractor shall abide by all conditions established within the District's permit, including but not limited to, site restoration. The applicant shall ensure payment for any easement and permit fees associated with the Flood Control Right-of-Way permit.
  - ii. On-site retention shall be provided to capture and retain the first one-half inch of runoff from the site.
  - iii. Prior to the commencement of any construction on the subject property, the applicant shall obtain the necessary Drainage Clearances from the Flood Control District.
  - iv. Prior to the commencement of any construction within the delineated flood plains, the applicant shall obtain the necessary Flood Plain Use Permit.
- i. Off-site advertising shall be limited to that covered by the Development Agreement with the City of Surprise unless the property in which the off-site sign is to be located is

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rezoned to a zoning district that will allow such off-site signs to occur or the property is annexed by the City.

- j. The applicant shall abide by all local, State, and federal laws and regulations regarding cultural resource and habitat loss mitigation.
- k. The applicant shall abide by all local, State, and federal laws and regulations regarding the National Pollution Discharge Elimination System.
- l. The applicant shall retrofit the exiting residential structure to meet current commercial building code requirements.
- m. All habitable site built structures shall include sound attenuation to achieve a noise reduction level of 25 decibels.
- n. The facility operators shall engage in an active outreach program designed to inform potential tenants of the fact that the facility is located near a military airbase and that the property may be subjected to loud noise from military over-flights.
- o. The following Maricopa County Department of Transportation stipulations shall be met:
  - i. Prior to Certificate of Occupancy, the applicant shall pave the access to the site.
  - ii. All interior drives within the site shall be paved or shall otherwise meet EPA standards for dust control.
  - iii. The site plan submitted for zoning review shall indicate the dimensions of the parking spaces. Standard parking spaces shall be shown as a minimum of 9 feet wide by 18 feet long. Handicap Accessible parking spaces shall be per current ADA requirements.
  - iv. Prior to zoning clearance, the applicant shall provide a copy of the executed agreement between Maricopa Water District or the Flood Control District of Maricopa County and the applicant, which serves to provide emergency access to the site.
- p. No manufactured homes, or mobile homes, shall be established on site. "Park Model" R.V.s may be allowed provided that they are either (1) set such they meet the requirements for permanent structures within Zone "A" floodplains in conformance with the Floodplain Regulations for Maricopa County, with elevated pads provided for this purpose as included in a Floodplain Use Permit, or (2) the utility hook-ups are of a quick disconnect type and that the wheels, axles and hitches remain attached to the unit and remain in good working order and that no permanent structures such as awnings, carports, room additions, etc. are attached to the park model unit. The park operator shall provide disclosure to the tenants that the property lies within a floodplain and may be subject to inundation. Park model R.V.s shall be limited to a maximum 12-month stay. The total number of park model R.V.s allowed on site shall be limited to twelve (12) in number.
- q. All service buildings housing toilet, bathing and sanitation facilities, as well as all utility hook-ups, shall be completed prior to the use of the park.

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- r. Prior to commencing construction for any portion of the project, the applicant shall obtain the necessary construction/grading permits.
- s. This Special Use Permit shall expire 30 years from the date of Board of Supervisors Approval or upon termination of the use, whichever occurs first. All of the side improvements shall be removed within 60 days of such termination or expiration.
- t. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors and every five (5) years thereafter. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. If staff deems the status report to be unacceptable, the status report may be forwarded to the Commission for further review and action.
- u. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- v. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- w. Major changes to this Special Use Permit (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- x. Prior to zoning clearance, the applicant shall provide written evidence from Maricopa Water District that the necessary license agreements pertaining to the Beardsley Canal and the subject property have been executed.

Joy Rich said this Special Use Permit is for a KOA-type RV park near Sun City West. She said they had received no protests or concerns from the City of Surprise or from area residents. She reported that the Planning Commission had considered this matter at length and had applied a set of "fairly rigorous stipulations." After the Planning Commission hearing Supervisor Wilson raised the concern that this might become a permanent residence for people moving onto the campground and he worked with the applicant to limit consecutive stay to 10 months for everyone who was not an employee and felt concern that this would be long enough. Ms. Rich said there are some stipulation changes and a new narrative report from the applicant. Stipulations "b", "t" and "x" were changed as shown below.

Lynne Lagarde spoke for the applicant to clarify the "stay time" for travelers by setting a time limit on how long they had to be gone before they can move back in (the concern was that a visitor could pull his trailer out of the park and come right back in for a permanent visit). A change was negotiated so travelers could stay 10 months within a 12 consecutive month period, however, she said if Supervisor Wilcox would be more comfortable with a 9-month stay rather than 10 months in a 12-month period the applicant would agree, and Supervisor Wilson agreed to this.



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Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval, subject to stipulations "b" through "x."

- b. Development and use of the site shall be generally consistent with the narrative report entitled "KOA Kampground - Sun City West / North Phoenix", consisting of six (6) pages plus exhibits, dated revised May 30, 2004 and stamped received April 22, June 1, 2004, except as modified by the following stipulations.
- t. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors and every five (5) years thereafter. The status report shall include verification of compliance with both the nine (9) month maximum rental period and the prohibition against the use of the facilities for permanent residential occupancy except for campground employees and their families. Failure to comply with these limitations at any time during the duration of the Special Use Permit shall be considered grounds for its revocation in accordance with the Maricopa County Zoning Ordinance. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. If staff deems the status report to be unacceptable, the status report may be forwarded to the Commission for further review and action.
- x. Prior to zoning clearance, the applicant shall provide written evidence from the Maricopa Water District that ~~the~~any necessary license agreements pertaining to the Beardsley Canal and the subject property have been executed.

- 6.     Z2003-089     District 4**  
**Applicant:**     Dietz-Crane  
**Location:**     West of the northeast corner of Dysart Rd. & Ocotillo Rd. (in the west Glendale area)  
**Request:**       Amendment to previously approved R-2 R.U.P.D. zoning standards – Capistrano North (15.63 gross ac.)

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2003-089, subject to the following stipulations "a" through "i". Commissioner Smith seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall be consistent with the zoning exhibit entitled "Preliminary Plat for Capistrano North", consisting of two (2) full-size sheets, dated April 20, 2004, stamped by the engineer April 19, 2004, and stamped received April 20, 2004, except as modified by the following stipulations. The applicant shall submit a revised zoning exhibit (preliminary plat) within 30 days of approval by the Board of Supervisors revising the front yard setback to 16' and revising footnote #1 to read, "A 16' front setback measured from the 40' roadway tract would result in a total of 18' to back of sidewalk."
- b. Development of the site shall comply with the narrative report entitled "Narrative Report for Capistrano North", consisting of fifty-eight (58) pages stamped received April 20, 2004, except as modified by the following stipulations. The applicant shall submit a revised narrative report within 30 days of approval by the Board of Supervisors revising the front yard setback to 16' and revising footnote #1 to read, "A 16' front setback measured from the 40' roadway tract would result in a total of 18' to back of sidewalk."

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- c. Dedication of additional right-of-way to bring the total half-width dedication to 70 feet for Dysart Rd. shall occur within 6 months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- d. Prior to or concurrent with the submittal of a final plat for any portion or phase of this development, a final landscape plan is to be submitted which is generally consistent with the preliminary landscape plan.
- e. Consistent with ARS 28-8484(A), written notification shall be provided to all future homeowners that they are located within THE STATE-DEFINED TERRITORY IN THE VICINITY OF A MILITARY AIRPORT and may be subject to loud noise and over flights from military aircraft. Such notification shall be recorded on all final plats, be permanently posted on not less than an 8.5" x 11" size sign on a conspicuous location of the front door of the home sales office(s) and each model home(s), and shall be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.
- f. All habitable buildings constructed within this subdivision shall be constructed to attain a 25-decibel noise reduction as required by ARS 28-8482(B).
- g. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- h. Major changes to the R.U.P.D. plan (zoning exhibit, narrative report, or the conditions of approval) shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- i. Non-compliance with this zoning exhibit and narrative report, or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Joy Rich outlined the Commission action on this item and indicated that the zoning has been in place since 1989. It does not comply with the comprehensive area plan and Litchfield Park wants the property down-zoned, however, it is outside the LDN noise line surrounding Luke Air Force Base by ½ mile and Luke has recently approved this request. There were no speakers.

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval, subject to stipulations "a" through "i."

- 7.        S2003-081        District 1 (THIS CASE CONTINUED FROM MEETING OF MAY 19, 2004.)**  
**Applicant:**        JMA Engineering  
**Location:**        Near Arizona Ave. & Hunt Highway (in the Sun Lakes area)  
**Request:**        Final Plat in the R1-18 zoning district for Santan Vista Unit 3 Phase 3 (approximately 51.98 gross acres)

Joy Rich said they would take #7 and #8 (final plats) together – she said both of these items would have been on the Consent Agenda had the mylars been received earlier. Everything is in place at this time.

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Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve this final plat.

- 8. S2003-085 District 1 (THIS CASE CONTINUED FROM MEETING OF MAY 19, 2004.)**  
**Applicant:** RBF Consulting  
**Location:** Near Arizona Ave. & Hunt Highway (in the Sun Lakes area)  
**Request:** Final Plat in the R1-18 zoning district for Santan Vista Unit 3 Phases 4 and 5 (approximately 64.4 gross acres)

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve this final plat.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Andrew Kunasek, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board